



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

Krista Friedrich
Senior Counsel
phone: (212) 356-2610
Email: kfriedri@law.nyc.gov

July 6th, 2023

Via ECF

Hon. Ramon E. Reyes, Jr.
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *The City of New York v. Old Dominion Tobacco Company, Inc.*
20 Civ. 5965 (ENV-RER) (E.D.N.Y.)

Dear Judge Reyes:

We write to briefly respond to the letter filed yesterday by Atlantic Dominion. Despite the Court's clear instruction at our last conference, Atlantic Dominion has once again failed to pick up the phone in order to seek clarification or information from the City and has instead rushed to make a filing raising issues with the Court. It is unclear from Atlantic Dominion's filing yesterday what (if any) request it is making of the City. If Atlantic Dominion is making a particular request of the City, it should raise it through the meet and confer process. Without responding point-by-point to all of the matters addressed in Atlantic Dominion's letter, we note that a simple discussion could likely resolve many or all of them.¹

We have no objection to the request that a conference be scheduled, but we would request that any conference date be set after August 31st, consistent with the City's proposal in the status report filed June 30th that the deadline for the production of materials from additional searches be set as August 31st.

¹ For example, the interview excerpt files described as having a "last modified" date of April 26, 2023 based on "forensic examination" were located on the City's internal file management system and forwarded to our e-discovery personnel on April 26, 2023. The metadata accompanying their production appears to reflect the date they were retrieved from the file management system, but no modifications were made to the files on that date.

Respectfully submitted,

/s/

Krista Friedrich

cc: All counsel of record (via ECF)